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IV.—LITERARY SOURCES IN CICERO'S BRUTUS AND THE TECHNIQUE OF CITATION IN DIALOGUE.

The Ciceronian dialogue, reminiscent of the origins of this literary form in a metropolis of talkers, and at a time before the general diffusion of books, still aims to maintain the fiction that spoken discourse is the normal medium for the communication and transmission of thought. In large measure therefore, though by no means consistently, it ignores books and avoids allusion to them, referring a knowledge of the statements or opinions of others to communication with the speakers of the dialogue by word of mouth, either directly or through intermediaries. Upon this fiction is based the whole framework of composition, as when dialogues like the *De oratore* or the *De re publica*, which are, in fact, learned treatises drawn from the technical literature of rhetoric or philosophy, are represented as having been reported to the author by some one who heard the actual discussion which the dialogue reproduces. It should be, and in Cicero's best work is, an essential part of the dialogue setting, to indicate clearly the channels of such transmission. Thus Rutilius Rufus in the *De re publica* is the connecting link between the Scipionic group and Cicero, while Cotta and Scaevola play a similar rôle for the *De oratore* and the Laelius respectively. Instances of frank invention like the Cato Major, with no suggestion of a connecting intermediary between the original conversation and the author, lose an element of dramatic persuasiveness which renders them less artistic.

Again, within the dialogue itself references to historical events and to literature of an earlier time are made usually by appeal not to books or to historical records, but to the evidence of report, either vaguely and in general terms—*accepimus*, *video*, *audivi*, etc., or with specific designation of some medium of oral communication. Thus historical illustrations, which may be derived either from current tradition or from written records, are introduced on the evidence of an intermediary between the event and the speaker. So, for instance, the story of the Tuscan haruspices (in *De nat. deor.* II 11) is introduced by Balbus with the words: *tum Gracchus, ut e patre audiebam*, bridging thus the gap between

the event (163 B. C.) and the dramatic date of the dialogue (ca. 75). The same device is used a little further on with reference to the famous portent of the double sun of the year 129, *ut a patre audivi* (ib. 14). In such cases we shall not, of course, name the father of Balbus (nor, with Mayor, the father of Cicero), as the real source of Cicero's information. The author was concerned only to make a plausible connection of oral tradition between a time antecedent to the lives of his interlocutors and the time of the dialogue setting. It is merely a more specific form of such a statement as we find in Brutus 104: *atque hoc memoria patrum teste dicimus*.

Ideas and events of still greater remoteness are sometimes reported as having been transmitted through a series of intermediate personages, in order to preserve the fiction of oral communication. Some noteworthy examples are afforded by the Cato Major. In 39 Cato introduces 'an ancient discourse of Archytas of Tarentum'. The method of its transmission from a conversation of Archytas with C. Pontius, the Samnite,¹ to one Nearchus, Cato's host at Tarentum, is carefully set forth; for the gap between Archytas and Nearchus Cicero contents himself with the words: *se a maioribus natu accepisse dicebat*. No one will doubt, I think, that Cicero had the matter from a literary source, whether Archytas, or the otherwise unknown Nearchus, or Aristoxenus, as Zeller suggests. The element of 'tradition' which the commentators have attributed to the passage, belongs to the technique of the dialogue and not to the words of Archytas. Another example of similar character is found in 43 with somewhat more circumstantial indication of the sources of Cato's acquaintance with the philosophy of Epicurus: *saepe audivi e maioribus natu, qui se porro pueros a senibus audisse dicebant*, etc.

Again, the Pythagorean doctrine of immortality is introduced in 78 with the words *audiebam* Pythagoran . . . numquam dubitasse, etc., and it is followed by a reference to the Platonic view, which carefully avoids the suggestion that Cato had, of his own initiative, read the Phaedo: *demonstrabantur mihi* . . . quae Socrates . . . disseruisset.²

¹ He is introduced to indicate the time of Archytas by a Roman synchronism: *patre eius, a quo Caudino proelio Sp. Postumius T. Veturius consules superati sunt* (= 321 B. C.)

² In all of these examples, in addition to the characteristic feature of dialogue composition which they illustrate, a special reason for emphasizing so strongly the traditional source of the information in question lay perhaps in the per-

These illustrations will suffice to make clear in a general way the principle of dialogue art from which we started. That is, the author in making acknowledgment of indebtedness to earlier sources will place his interlocutors in some relation of personal communication with the authorities themselves from whom he draws, for the sake of maintaining consistently the fiction of oral transmission. By the device of one or more intermediaries, which we have noticed in the *Cato Major*, it is possible to refer to sources more remote than those contemporary with the interlocutors of the dialogue. But the method is obviously cumbersome and the difficulty of establishing a plausible relationship grows with each remove from the time of the dialogue-scene. Except for special reasons therefore, such as we found in the character of *Cato*, it is not much used. Accordingly, the great majority of allusions to well-known authorities of the remoter past are introduced directly in the present tense—*ait (dicit) Aristoteles*, etc.—without any effort to indicate channels of oral transmission. The effort to maintain the semblance of personal communication is thus confined for the most part to such sources as fall contemporary (in some degree at least) with the lives of the interlocutors. Anachronisms are apparently studiously avoided.

This usage or technique I shall now illustrate in greater detail from the dialogues of *Cicero*, grouping them into these classes: (I) dialogues, the dramatic setting of which lies wholly in the past; (II) dialogues, contemporary with the time of the writer, in which he himself participates. In this class I shall differentiate again between expressions of obligation (a) attributed to other interlocutors, and (b) those which the author himself, as a speaker in the dialogue, makes.

(I). Dialogues of the first type have already been illustrated by the *Cato Major*. Some further observations may be added from the *De oratore*. In Book I *Crassus Antonius* and *Scaevola* review the scholastic controversies concerning the scope and nature of rhetoric, the justification of its claims to be regarded as an art or science, and its relation to philosophy and statesmanship. No one, of course, can doubt that the matter thus presented was derived by *Cicero* from the books of Greek theorists, and that further-

sonality of *Cato*. *Cicero* doubtless felt that it would be inappropriate that *Cato* should reveal any acquaintance with Greek philosophy except such as might have been gained in conversation or intercourse with others. But see the same device in *Lael*. 88.

more, if it was known at all to the characters of his dialogue, it was acquired by them from the same sources. But consistently with the demands of dialogue composition set forth above, Cicero represents each one of his interlocutors as having knowledge of such discussions from conversations with Greek philosophers and rhetoricians themselves. So Crassus (in I 45) alludes to the question and its discussion by the Greeks, and explains his acquaintance with their views: *audivi enim summos homines, cum quaestor ex Macedonia venissem Athenas*, etc. There are then named a number of philosophers, Charmadas, Clitomachus, Aeschines, and Metrodorus of the Academy, Mnesarchus the pupil of Panaetius, and Diodorus the pupil of Critolaus the Peripatetic. It is significant that nearly all of these, even in the paltry record which has survived from this time, appear elsewhere as contributors to this prolific controversy¹. Antonius in turn contributes his share to the discussion from similar reminiscences of conversations with practically the same group of philosophers named by Crassus: (*Athenis*) *cotidie mecum haberem homines doctissimos*, eos fere ipsos qui abs te modo sunt nominati (I 82). Scaevola also, on his way to Asia as praetor, had heard at Rhodes the rhetorical side of the controversy defended against the attacks of the philosophers by Apollonius (Molon), who ridiculed the views of Panaetius, which Scaevola presented, and made jest of philosophy in general: *inrisit ille quidem, ut solebat, philosophiam*, etc. (I 75). The allusion here contained in *ut solebat* is probably to the work of Apollonius *κατὰ φιλοσόφων*.² In none of these cases are we justified, it would seem to me, in using Cicero's statements concerning the association of his interlocutors with the Greek writers named as material for the history of the times, or for the biographies of the respective persons, though this has generally been done. The recognized technique of dialogue composition

¹ The arguments of Clitomachus and Charmadas are touched upon by Sextus Advs. rhet. 20, where *οἱ περὶ τὸν Κριτόλαον* are also cited. The peripatetic definition of rhetoric in Nic. Soph. (Spg. III 451) probably goes back to the Diodorus of our passage, and it contains a suggestion of one of the mooted points in controversy. Mnesarchus was a writer of vigorous polemical character (Acad. post. fr. 1), and the clear and sharp formulation of the Stoic position which is presented on his authority in I 83 (sicut iste ipse Mnesarchus) was doubtless drawn from writings of his, which Cicero attests (in Fin. I 6) that he had read.

² See Susemihl, Gesch. d. gr. Lit. II, p. 492 n. 137.

impelled him to put his characters in some relation of personal contact with the sources from which he himself drew. For the assumption or the free invention of such relationships, the foreign travel of his characters, in their various capacities as provincial administrators, afforded a plausible starting-point.¹

In conclusion I would note two minor examples from the *De oratore*. In III 225 the story of C. Gracchus' employment of a slave, whose duty it was by the use of a pipe to correct and guide his master's voice in public harangues, is introduced by the words: *quod potes audire Catule ex Licino*, cliente tuo, litterato homine. Catulus replies: *audivi* mehercule et saepe sum admiratus, etc. In this case there is no doubt that some treatise of the grammarian Porcius Licinus is the source of the curious story, the ramifications of which in subsequent literature have been so interestingly traced by Büttner.² Again in *De or.* I 72, the editors of Lucilius have not hesitated to accept a fragment attested by the words: *sed ut solebat C. Lucilius saepe dicere*, etc.

(II). Turning now to contemporary dialogues let us first note some examples in which (a) interlocutors other than Cicero make such references to the sources from which their material is derived. A good example is afforded by the speech of Lucullus in the *Academica Priora*, in which the general position of Antiochus in criticism of Philo and the New Academy is set forth. The circumstances of Lucullus' familiarity with the opinions of Antiochus are carefully explained, and his knowledge of their bearing upon the opposing ideas of Philo: *cum Alexandriae proquaestore, inquit, essem*, fuit Antiochus mecum, et erat iam antea Alexandriae familiaris Antiochi Heraclitus Tyrius . . . cum quo *Antiochum saepe disputantem audiebam* (II 12). The whole setting, so fully described in the passage from which I have made a single extract, is of course a fiction, as has long been recognized, and the matter which Lucullus professes to report from oral discussions was in fact derived directly by Cicero from a work of

¹ Crassus was quaestor in Asia, but Cicero says (probably inaccurately): *cum quaestor ex Macedonia venissem Athenas*. Cf. Wilkins ad I 45. Antonius on his way to Cilicia as proconsul was detained several days at Athens by unpropitious weather (*propter navigandi difficultatem*), which gave him opportunity for the conversations he describes. Scaevola was praetor in Asia in 121, but it seems unlikely that Apollonius (Molon) had as yet taken up his residence at Rhodes. Cf. Susemihl II, p. 490. Cicero is here, perhaps, guilty of a slight anachronism, if, as seems likely, Apollonius Molon is meant.

² Porcius Licinus, p. 81 ff.

Antiochus.¹ So inappropriate was the whole situation assumed as the source of the dialogue, as Cicero himself confesses,² that in the revision of the work it was completely changed at the suggestion of Atticus, and the work was dedicated to Varro, who is made the chief interlocutor. But Varro in turn, like Lucullus of the earlier edition, but more appropriately in view of his character and studies, presents the views of Antiochus as a reminiscence of the actual discourses which he and Cicero had heard in their youth: *quid est enim quod malim quam ex Antiocho iam pridem audita* recordari (I 14). That this portion too does not depend on Varro's, (or Cicero's) own recollection of Antiochus' lectures, but is transcribed from a book or books by the master, is a conclusion which no one now will be likely to dispute (Reid, p. 57).

Other examples could be cited showing with what freedom Cicero handled his characters in order to establish a plausible relationship of personal intercourse between them and the sources which he used, and it would, perhaps, reward investigation to sift and examine them all.³ To what extent the dramatic setting of the dialogues has passed into subsequent historical record—whether in ancient or modern times—should be investigated, as when Plutarch in his life of Cato uses the episode of the conversation of Cato with Nearchus as attested fact, or again in his life of Lucullus attributes to him all that Cicero, with self-confessed fiction, had said to give plausibility to the setting of the *Academica Priora*.⁴

Up to this point we have seen how Cicero with the freedom of a dramatist attributes the results of his own reading to the

¹ Cf. Reid, *Acad.*, p. 52: "No one can read the speech of Lucullus without perceiving that Cicero wrote it with a Greek work lying open before him, from which almost every sentence has been directly transferred. This book was in all probability the *Sosus* [of Antiochus]". Hirzel, *Untersuchungen* III p. 251: "Dass für den Inhalt desselben die Erinnerung an mündliche Vorträge des Philosophen die Quelle gewesen sei, ist eine Möglichkeit die vom Standpunkt der heutigen Quellenforschung überhaupt und der ciceronischen insbesondere keine Beachtung mehr verdient".

² See the references in Reid's *Int.*, p. 33 n. 9, and esp. ad *Att.* XIII 16, 1 *παρὰ τὸ πρέπον* videbatur, quod erat hominibus nota, non illa quidem ἀπαίδευσία, sed in eis rebus ἀτριψία.

³ So for example, A. Goethe, in the introduction to his edition of the *De nat. deor.*, p. 13, remarks that Cicero apparently identifies himself with Cotta in such a manner as to make it doubtful whether his statements concerning Cotta's acquaintance with Zeno, the Epicurean, have any historical foundation.

⁴ Cf. Plutarch, *C. M.* 2, 4; Lucullus 1 and 42. See also Reid, *Int. to Acad.*, p. 33, n. 8.

characters of his dialogue, placing them so far as possible in a relation of personal communication with the writers from whom he draws, and representing their discourse as a reminiscence of such communication. We have noted further that he makes apparently no distinction in this respect between those dialogues which, like the *De oratore* or the *Cato Major*, lie wholly in the past and those which are placed in his own time. But thus far we have only considered his treatment of speakers other than himself.

(b). It remains to consider whether the same interpretation is to be attached to utterances which Cicero, the author, attributes to himself as an interlocutor; that is, whether we are at liberty in the same manner to assume a *literary source* for utterances which Cicero himself, in the rôle of a character in the dialogue drama, professes to have *heard*. It will, I think, seem probable a priori, in view of the quite consistent characteristic of dialogue composition which has been noted, that the same rule should apply to all the speakers of the dialogue; that Cicero, therefore, in his own rôle will attribute to personal intercourse (wherever chronological or historical considerations do not forbid) material which in fact he may have derived from literary sources.

For this situation, however, there do not seem to be any such conspicuous or considerable examples as we have noticed in the rôles of Lucullus and Varro in the *Academica*. This is due in part to the fact that Cicero often assigns the more positive parts, which would depend more naturally upon particular sources, to others, reserving for himself the rôle of critic and arbiter. In the *Academica* to be sure there is a suggestion of the source from which the sceptical arguments, with which Cicero replies to Varro, are drawn. But it does not entirely serve the purpose of our argument, since in referring to Philo, the teacher of Antiochus, it designates his books as well as the discourses to which Cicero had listened: *quamquam Philo . . . negat in libris, quod coram etiam ex ipso audiebamus*, etc.¹ Such examples serve to show the natural interpretation of other passages where personal communication is the only channel of transmission suggested, but they have no coercive force.

¹ Cf. Tusc. V 22 *ista mihi et cum Antiocho saepe et cum Aristo nuper, cum Athenis imperator apud eum deversarer, dissensio fuit: . . . dicebantur haec, quae scripsit etiam Antiochus locis pluribus.*

In many cases a literary source may seem to be the most natural one to assume, and yet, from the nature of our record, the material for its demonstration may be lacking. So in *De legg.* I 53 Atticus tells a story, which he professes to have heard from Phaedrus the Epicurean (*audire ex Phaedro meo memini*), of one Gellius who as proconsul came to Athens, and with amusing *lourderie* (or waggishness, perhaps) collected the philosophers and urged them with earnest insistence to put an end at length to their disputes. The reply of Cicero: *ioculare istud, Pomponi, et a multis saepe derisum*, suggests that the matter had figured in literature before, presumably in a work of Phaedrus, and probably elsewhere. With more certainty that we are dealing entirely with literary sources may be adduced *De fin.* V 75 (the interlocutor whom Cicero addresses is Piso, patron of the Peripatetic Staseas): *quod quidem eo probavi magis, quia memini Staseam . . . aliquanto ista secus dicere solitum . . . est ut dicis, inquit, sed haec ab Antiocho, familiari nostro, dicuntur multo melius et fortius.*

An example finally, the literary source of which cannot be doubted, is afforded by *Tusc.* III 38. Cicero here, in refutation of an Epicurean position, is concerned to show that he understands their teaching and does not present a distorted account of it. He thereupon sets forth with painstaking effort at exactness the Epicurean definition of happiness: *hoc dicit (Epicurus) et hoc ille acriculus me audiente Athenis senex Zeno, istorum acutissimus, contendere et magna voce dicere solebat, eum esse beatum, etc.* The involved and careful definition is then set forth, which is followed again by these emphatic words: *habes formam Epicuri vitae beatae verbis Zenonis expressam, nihil ut possit negari.* Although above Cicero had said *me audiente Athenis*, it does not admit of doubt that with the phrase *verbis Zenonis expressam*, acknowledgment is made to the written words of Zeno.¹

The principle of dialogue composition thus set forth is a natural one: it rests upon the universal psychology underlying the situation which the dialogue creates, rather than upon any recog-

¹ I find that Hirzel, without concerning himself about *me audiente*, has drawn the same conclusion from this passage. *Untersuch.* I, p. 30: "Denn das *verbis* zeigt, dass die diesen Worten vorausgehende Definition der Glückseligkeit einer Schrift Zenon's, und nicht der Erinnerung an dessen vor vielen Jahren gehaltene Vorträge entnommen war". Cf. also Susemihl II, p. 263.

nized rule of art. One might perhaps contend that it is contained implicitly in the suggestive phrase of Demetrius (De eloc. 224) *ὁ διάλογος μιμείται αὐτοσχεδιάζοντα*. Certainly it belongs to the tone and manner of unrestrained, spontaneous conversation to feel a certain pedantry (or at least flatness) in the citation of a written source and to avoid it. No one likes to confess that he got his story from *Punch*; it suits his own and the listener's sense of effectiveness much better to attribute it to personal experience or to direct communication with some person named or nameless. There is no doubt I think that the dialogue or similar dramatic literature of any language would reveal the same usage, and I have noted a number of analogous examples in the English dialogues of Bishop Hurd—who facilitates inquiry by the considerate use of learned footnotes¹. A more conspicuous instance is afforded by the acknowledgment of indebtedness which Chaucer makes to Petrarch through the mouth of the Clerke, in the prologue to the story of Griselda:

I wol yow telle a tale which that I
 Lerned at Padowe of a worthy clerk,

 Fraunceys Petrark the laureat poete.

It may be objected to my use of this example that many of the most eminent Chaucer students (amongst whom Professor Skeat and M. Jusserand as the most recent may be named) have used it literally as evidence that Chaucer first heard the story from the lips of Petrarch (and from him received a copy of the tale); but to this I should not hesitate to reply that a more comprehensive survey of the technique of such acknowledgments would have shown them on how uncertain a foundation they had based their conclusion.² The example it will be seen is absolutely parallel to the instances under II (a) above, that is, Chaucer Clerke Petrarch correspond exactly to Cicero Lucullus Antiochus, in the example there cited.

¹ So for instance in the Dialogue on the Uses of Foreign Travel (between the Earl of Shaftesbury and Locke), Hurd incorporates a story and an exact quotation from Shaftesbury's 'Characteristics', which he places in the mouth of Locke. He makes acknowledgment for this indebtedness by causing Locke to address Shaftesbury with the words: "as I have *heard* you tell the story".

² See an article by the present writer in Modern Philology for July, 1906: "Chaucer and Petrarch: Two Notes on the Clerkes Tale".

The conclusions set forth in the foregoing will not, I am sure, meet with any resistance from students of the philosophical dialogues; for whether they have been formulated or not, the fact remains that they have actually been recognized and followed by various investigators into the sources of those treatises. That the same phenomena have not received a similar interpretation in the *Brutus* has doubtless been due in part to the more historical character which that dialogue seems to present, and in part also to the fact that it has been far less thoroughly examined with reference to its dependence on earlier literature. But the *Brutus* is a dialogue constructed with the same artistic freedom of dramatic invention as any of the other dialogues of Cicero, and no good reason can be assigned for setting it apart from the habitual technique employed elsewhere. In cases therefore where Cicero designates personal communication as the source of his knowledge it will be open for us either to accept his statement literally, or to understand that he is casting a literary source into this more vivid form¹. The determination of any given case between these two alternatives cannot be defined by any general rules; it will depend upon the particular circumstances which each case affords. Some will be found to indicate very clearly a literary source, while others may be assigned most plausibly to the personal communication which Cicero professes.

The first example which I would note is the most important and the most extensive one which the *Brutus* affords. After characterizing Scipio and Laelius in sections 83 and 84 and pointing out the generally conceded superiority of Laelius, Cicero passes to a comparison of Laelius and Galba, based upon an historical episode derived from Rutilius Rufus, the circumstances of which are introduced as follows:

Memoria teneo Smyrnae *me* ex P. Rutilio Rufo *audivisse*, cum diceret adulescentulo se accidisse, ut ex senatus consulto P. Scipio et D. Brutus, ut opinor, consules de re atroci magnaue quaererent. Nam cum in silva Sila facta caedes esset notique homines interfecti insimulareturque familia, partim etiam liberti societatis eius quae picarias de P. Cornelio L. Mummi censoribus redemisset, decrevisse senatum, etc. (85-88).

¹ An interesting analogue from modern newspaper practice (in America at least) is the construction of 'personal interviews' with scientific or literary men upon the data afforded by their published works. The practice is not an uncommon one, attested often enough by the published protests of the gentlemen 'interviewed'.

In the interesting narrative which follows, the efforts of Laelius on behalf of the *societas* are set forth, their ill-success, and his recommendation that the case be put into the hands of Galba, by whom it was carried through to an acquittal, which Cicero represents as triumphant. The passage requires a fuller interpretation than can be given to it here, mainly to point out that Cicero has used it for a purpose alien to its original intention. For it can be shown quite certainly that Rutilius used the story as evidence with which to justify a criticism of Galba's character and oratory, and not at all as Cicero does to show the superiority of his oratorical method to that of Laelius. The episode, I think, is twice referred to by Cicero earlier, once in the *De re publica*¹ and again in the *De oratore*. But these considerations, though affording slight presumptions of literary origin, are not decisive. More significant, in reference to an event of no general historical importance, is Cicero's exact designation of the consuls—with a significant *ut opinor* deprecatory of too exact knowledge—and especially the wholly irrelevant detail of the names of the censors, from whom the corporation had obtained their concession. What would be natural for Rutilius writing out a deliberate record of his life has little plausibility for Cicero recalling the memory of a story heard thirty-two or three years before. The likelihood that the story is drawn from a written record is of course greatly enhanced by the fact that we can refer it to so natural a source as the famous memoirs of Rutilius, the *Libri de vita sua*. With the nature of such a work the tone of autobiographical reminiscence harmonizes most admirably. Its place then, as a reminiscence evoked by events of a later time, is indicated by a passage of the *De oratore* (I 227): idemque (Rutilius) Servium Galbam, quem hominem *probe commemorinisse se aiebat*, pergravier reprehendere solebat, quod is, L. Scribonio quaestionem in eum ferente, populi misericordiam concitasset. It suggests that Rutilius had told the story, to justify by the evidence of personal observation the condemnation which he visited upon Galba for his more celebrated example of emotional oratory in defending himself against the charge of perfidy to the Lusitanians.

The next passage (107) contains a group of three characterizations attributed to the poet Accius:

¹ *De re publica* III 42 Servium Galbam, quem tu (Laelius) quoad vixit omnibus (sc. oratoribus) anteponebas. *De oratore* I 227, cited below.

Vester etiam D. Brutus M. filius, ut ex familiari eius L. Accio poeta *sum audire solitus*, et dicere non inculte solebat et erat cum litteris Latinis tum etiam Graecis ut temporibus illis eruditus. Quae tribuebat idem Accius etiam Q. Maximo L. Paulli nepoti; et vero ante Maximum illum Scipionem quo duce privato Ti. Gracchus occisus esset, cum omnibus in rebus vehementem tum acrem aiebat in dicendo fuisse.

In this case there is nothing that points necessarily to a literary source, but there are some general considerations which will make such an origin seem the more probable one to assume. In the first place the disparity of age between the two men is at best very great. If we consider sixteen years as the earliest time at which Cicero might reasonably have conversed with Accius on such questions, we must assume an age of eighty years for Accius. Unfortunately we have no other data for fixing the lower limit of Accius' life than this passage affords. That his life overlapped the life of Cicero is certain: but our record affords no chronological clue subsequent to 104, the date of the Tereus. But there is no reason why we should assign these characterizations to personal communication of Accius with Cicero. For if Cicero had been in the habit of listening to Accius' conversation it would be reasonable to suppose that he should have carried away memories of other and more eminent orators than the three relatively unimportant ones named. The fact would seem to be that Accius somewhere in the course of his prolific literary activity, in dedications or prefaces addressed to friends or patrons, had used language laudatory of the oratorical and literary attainments of men in public life, which Cicero was able to employ for his purpose. Acknowledgment is made to Accius in this instance, rather than to general report (*habebatur*, etc.), because of the well-known relation of intimacy between D. Brutus and Accius, to which Cicero makes allusion elsewhere¹.

Two of the most eminent orators of Rome in Cicero's judgment were Ti. Gracchus and C. Carbo, whom Cicero groups together in 103. Concerning their pre-eminence there was no doubt—*atque hoc memoria patrum teste dicimus*, though their orations reveal the undeveloped style of their time. Gracchus died too early to reveal fully his genius; Carbo lived and his oratorical reputation bore the test of a long career.

¹ Pro Archia 27; De legg. II 54 (D. Brutum) doctum hominem sane, cuius fuit Accius perfamiliaris.

Hunc qui audierant prudentes homines, in quibus familiaris noster L. Gellius, qui se illi contubernalem in consulatu fuisse *narrabat*, canorum oratorem et volubilem et satis acrem atque eundem et vehementem et valde dulcem et perfacetum fuisse *dicebat*; addebat industrium etiam et diligentem et in exercitationibus commentationibusque multum operae solitum esse ponere (105).

Although Gellius is designated in 174 as a contemporary of Crassus and Antonius, yet since we are assured that he lived a long life, there is no reason to doubt that he may have survived into the years of Cicero's maturity. Some relationship of intimacy existed between Cicero and the family of Gellius, which is indicated here by *noster familiaris*, a term which is also used of the son, L. Gellius (consul in 72), in De legg. I 53. There would therefore seem to be little reason for suggesting a literary source in this case, especially since we have no knowledge of any work by the elder Gellius to which it could be referred. Still I venture to call attention to the language of this characterization, which has a certain inartistic quality, as of one picking out the significant words from a fuller account and stringing them together loosely. It is possible that the author may have been one of the Gellii, authors of *annales*, to whom reference is elsewhere made, and it is perhaps with reference to some such work that Cicero in Brutus 174 designates him as *nec Romanarum rerum immemor*.¹

In 169 Cicero enumerates a group of provincial orators (apud socios et Latinos), who are adduced mainly for the observation that their language lacks a certain color of urbanity which belongs to the orators of the city. Cicero then proceeds, in reply to Brutus' question, to illustrate this quality by an example:

Ego *memini* T. Tincam Placentinum hominem facetissimum cum familiari nostro Q. Granio praecone dicacitate *certare*. Eon', inquit Brutus, de quo multa Lucilius? Isto ipso; sed Tincam non minus multa ridicule dicentem Granius obruebat nescio quo sapore vernaculo (172).

Whether Cicero here refers to something which he had actually heard, or whether he reports a scene which had been the subject of grammatical discussion, it is not easy to determine. The latter alternative is not without probability in view of the words of Quintilian I 5, 12: nam duos in uno nomine faciebat barbarismos Tinga Placentinus, si reprehendenti Hortensio credimus, *preculam* pro *pergula* dicens.

¹ Cf. Peter, Hist. Rom. Reliq. Proleg., p. 239, n. I.

There remain two or three examples, in which although we cannot attach a name to the source used by Cicero, we are nevertheless able to discern its general nature. In 65 Cicero in characterizing Cato says:

Refertae sunt orationes amplius centum quinquaginta, quas quidem adhuc invenerim et legerim, et verbis et rebus inlustribus.

In this passage the statement that Cicero had read one hundred and fifty orations of Cato is not, of course, incredible. But it would seem remarkable and unlikely that Cicero, in the manner of a professional grammarian, had searched for and found that number. The truth is, I suspect, that Cicero here presents as the fruits of his own research and reading, the investigations of grammarians, who—in emulation of the learned activity of the Greeks—had devoted themselves to the task of bringing together and editing the scattered orations of Cato which were not contained in the Origines. The form of statement is in conformity with the general features of dialogue technique which we have thus far observed. The matter admits of no demonstration, but an illustration may serve to show the manner. Athenaeus, in a parenthetical remark concerning the Ἀσωτοδιδάσκαλος of Alexis, says (336 d): ἐγὼ γὰρ οὐκ ἀπήντησα τῷ δράματι πλείονα τῆς μέσης καλουμένης κωμωδίας ἀναγνοὺς [cf. *legerim*] δράματα τῶν ὀκτακοσίων καὶ τούτων ἐκλογὰς ποιησάμενος οὐ περιέτυχον [*invenerim*] τῷ Ἀσωτοδιδασκάλῳ. Athenaeus as an interlocutor in his dialogue is under the same impulse as Cicero to maintain the fiction of independent knowledge. The true situation, however, is much clearer in his case, for no one can doubt that the research (περιέτυχον), and the reading (ἀναγνοὺς), of which he speaks, represent merely the accumulated results of several generations of Alexandrine scholars.¹

¹ Let me add here a reference to the omniscient pose of grammarians and antiquarians in such dialogues as the Deipnosophists or the Saturnalia. They are always ready to deliver ἀπὸ μνήμης an unlimited supply of erudite citations in illustration of any question which the curiosity of their fellow banqueters may raise. Quidquid de hoc mihi tenuis memoria suggererit paucis revolvam (I 3, 1) is a typical example of the introductory formulae which occur by the dozen throughout Macrobius. The matter has been touched upon briefly but suggestively by Rutherford in his recent Chapter in the History of Annotation (London, 1905, p. 32). One is tempted to press the question further and to raise the query whether, for example, Cicero in Topica 5 is not merely assuming a conventional literary pose: itaque haec, cum mecum libros non haberem, memoria repetita in ipsa navigatione conscripsi. The point of view

A larger and more perfect specimen of grammatical inquiry is preserved in 99, *à propos* of the oration of C. Fannius *de sociis et nomine Latino contra C. Gracchum*.

Tum Atticus: Quid ergo? estne ista Fanni? nam varia opinio *pueris nobis* erat. Alii a C. Persio litterato homine scriptam esse aiebant, illo quem significat valde doctum esse Lucilius; alii multos nobiles, quod quisque potuisset, in illam orationem contulisse. Tum ego: *Audivi* equidem *ista*, inquam, de maioribus natu, sed numquam sum adductus ut crederem; eamque suspicionem propter hanc causam credo fuisse, quod Fannius in mediocribus oratoribus habitus esset, oratio autem vel optima esset illo quidem tempore orationum omnium. Sed nec eius modi est ut a pluribus confusa videatur—unus enim sonus est totius orationis et idem stilus—nec de Persio reticuisset Gracchus, cum ei Fannius de Menelao Maratheno et de ceteris obiecisset; praesertim cum Fannius numquam sit habitus elinguis.

There can be no doubt I think that here we have a genuine specimen of higher criticism drawn from a learned source belonging to the time of Cicero's and Atticus' boyhood (*pueris nobis—audivi ista de maioribus natu*). The recognition of this fact may serve to cast some light upon a perplexing problem which this passage affords. Cicero distinguishes two C. Fannii, the one orator and consul, C. f., the other the son-in-law of Laelius and historian, M. f. Mommsen has shown that Cicero is in error and that the orator and the historian are one and the same person, C. Fannius, M. f. The conclusion is based upon secure inscriptional evidence and must apparently be accepted. But Cicero himself is scarcely the author of the error, but derived it from the same grammatical source as his account of the genuineness of the oration.

It would seem that this famous speech—optima illo quidem tempore omnium orationum—afforded a problem which critics had endeavored to meet in various ways. It was known to have been delivered by C. Fannius, and in the first instance the author was undoubtedly identified with the well-known historian and son-in-law of Laelius. But the pre-eminence of the speech was at variance with the general oratorical reputation of Fannius and

may perhaps be of some service in reconciling Cicero's statements concerning the source of this work with the results which investigation seems to yield. Again, is there possibly an element of literary fiction in the assurances of Seneca Rhetor that he has drawn only upon his memory for the maze of detail which he presents? But in neither of these last-named examples is there present a dramatic fiction to justify the pose, such as the dialogue by its very nature affords.

with the style of his history. This problem was met then in different ways: some contended that it was a composite product; others assigned it to C. Persius; still others, perhaps basing their contention on an erroneous form of the name, C. Fannius C.¹ f., held that its author was not identical with the son-in-law of Laelius and the historian. The latter solution was analogous to the explanation of many similar problems in Greek literature, which gave rise to a special type of works *περὶ τῶν ὁμωνύμων*.

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¹ Peter, *Hist. Rom. frag. prol.*, p. 205, n. 1: "Gaii autem nomen facilius in annales irrepere potuit, nam C. Fannius cons. a. 161 satis fuit notus, rerum a Marco gestarum nusquam fit mentio".